

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

9

DECISION

TOPIC

**Final Rule Without Notice - Chapter 64 – Wastewater Construction and
Operation Permits**

An Adopted and Filed Without Notice rule will be presented to the Commission with a recommendation for adoption of revisions to Chapter 64 of the Department's rules. This amendment corrects an error in the IAC in which the effective dates of the storm water General Permit no. 2 were not changed when the three general permits were renewed in 2002. Entities required to be covered under storm water permit coverage cannot currently receive coverage without this revision.

The Commission is asked to approve this amendment without the normal notice and public participation since this change was already adopted in 2002 by the Commission and since it confers a benefit on those entities currently discharging storm water.

Charles C. Corell, Chief
Water Quality Bureau

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code section 455B.105(3), the Environmental Protection Commission hereby adopts amendments to Chapter 64, “Wastewater Construction and Operation Permits”, Iowa Administrative Code.

This amendment to Chapter 64 corrects an error in the effective dates of the storm water General Permit no. 2 which authorizes the discharge of storm water from construction sites. In 2002, rulemaking was implemented which renewed storm water General Permits nos. 1, 2 and 3 for the five year period beginning October 1, 2002 to October 1, 2007. However, these dates were not incorporated into the IAC for General Permit no. 2 which still retains the previous effective dates of October 1, 1997 to October 1, 2002 making the current General Permit no. 2 invalid. Those entities permitted under General Permit no. 2 are currently without storm water permit coverage required by the IAC and the Code of Federal Regulations.

In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary because the amendment simply changes the effective dates as originally intended by the Commission in 2002 and that entities currently required to be covered by a valid storm water permit should be given coverage as expeditiously as possible.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing, as it confers a benefit on those entities which are required to be covered by a valid storm water permit.

This amendment is intended to implement Iowa Code chapter 455B, division I.

This amendment will become effective May 10, 2006.

The following amendment is adopted.

ITEM 1. Amend subrule 64.15(2) introductory paragraph as follows. There are no changes to subparagraphs a. through c. :

64.15(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2, effective October 1, ~~1997~~2002 to October 1, ~~2002~~2007.

Date

Jeffrey R. Vonk, Director